IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Bail Appl..No. 7190 of 2006()

CMP.4896/2006 of J.M.F.C.,THIRUVALLA
CR.NO.25/06 OF MALLAPPALLY EXCISE RANGE.

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PETITIONER/ACCUSED NO.2 IN CR.NO.25/2006

MOHANAKURUP, AGED 42 YEARS,
S/O. BHASKARAKURUP, MUNDUKANDAMKOLEDATHU VEEDU,
KANNAMTHANAM VILLAGE, MALLAPPALLY.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENT: COMPLAINANT IN CR.NO.25/2006

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7190 OF 2006

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DATED THIS THE 8TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the second accused in Cr.No.25/06 of Mallappally Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 8 liters of arrack on 16.9.2006 and who was arrested on 8.10.2006, seeks bail.

2. Learned Public Prosecutor admitted that no charge sheet has been filed even after 60 days of detention of the petitioner in judicial custody. If so, by virtue of the proviso to section 167(1) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Thiruvalla and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn